

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Estate of Randolph Tyler by and Through Kevin Floyd, Administrator

(b) County of Residence of First Listed Plaintiff Philadelphia

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Geoffrey V. Seay, Esquire, Attorney at Law, 1315 Walnut Street, Suite 602, Philadelphia, PA 19107 (215) 893-1480, seaylaw.aol.com

DEFENDANTS

Beth Grossman, Esquire, Clarence Dupree, Esquire, Office of Philadelphia District Attorney, City and County of Philadelphia

County of Residence of First Listed Defendant Philadelphia

(IN U.S. PLAINTIFF CASES ONLY)

NOTE:

IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff

☒ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant

☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

(For Diversity Cases Only)

Citizen of This State

PTF ☒ 1 DEF ☒ 1

Citizen of Another State

☐ 2 ☐ 2

Citizen or Subject of a Foreign Country

☐ 3 ☐ 3

Incorporated or Principal Place of Business In This State

PTF ☐ 4 DEF ☐ 4

Incorporated and Principal Place of Business In Another State

☐ 5 ☐ 5

Foreign Nation

☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

<div>CONTRACT</div> <div><input type="checkbox"/> 110 Insurance</div> <div><input type="checkbox"/> 120 Marine</div> <div><input type="checkbox"/> 130 Miller Act</div> <div><input type="checkbox"/> 140 Negotiable Instrument</div> <div><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</div> <div><input type="checkbox"/> 151 Medicare Act</div> <div><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)</div> <div><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</div> <div><input type="checkbox"/> 160 Stockholders' Suits</div> <div><input type="checkbox"/> 190 Other Contract</div> <div><input type="checkbox"/> 195 Contract Product Liability</div> <div><input type="checkbox"/> 196 Franchise</div>	<div>TORTS</div> <div><div>PERSONAL INJURY</div><div><input type="checkbox"/> 310 Airplane</div><div><input type="checkbox"/> 315 Airplane Product Liability</div><div><input type="checkbox"/> 320 Assault, Libel & Slander</div><div><input type="checkbox"/> 330 Federal Employers' Liability</div><div><input type="checkbox"/> 340 Marine</div><div><input type="checkbox"/> 345 Marine Product Liability</div><div><input type="checkbox"/> 350 Motor Vehicle</div><div><input type="checkbox"/> 355 Motor Vehicle Product Liability</div><div><input type="checkbox"/> 360 Other Personal Injury</div><div><input type="checkbox"/> 362 Personal Injury - Medical Malpractice</div></div> <div><div>PERSONAL INJURY</div><div><input type="checkbox"/> 365 Personal Injury - Product Liability</div><div><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</div><div><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</div></div> <div><div>PERSONAL PROPERTY</div><div><input type="checkbox"/> 370 Other Fraud</div><div><input type="checkbox"/> 371 Truth in Lending</div><div><input type="checkbox"/> 380 Other Personal Property Damage</div><div><input type="checkbox"/> 385 Property Damage Product Liability</div></div>
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 FORFEITURE/PENALTY ☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions | BANKRUPTCY ☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609 | OTHER STATUTES ☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes || REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property | CIVIL RIGHTS ☒ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities Employment ☐ 446 Amer. w/Disabilities Other ☐ 448 Education | PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement |

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding

☐ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from Another District (specify)

☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC 1983

Brief description of cause:

Denial of Due Process and Unlawful Taking of Property

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 150,000

CHECK YES only if demanded in complaint: JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

08/22/2014

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Philadelphia County, PA

Address of Defendant: Philadelphia County, PA

Place of Accident, Incident or Transaction: Philadelphia County, PA
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Geoffrey V. Seay, Esquire, counsel of record do hereby certify:

- ☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 08/25/2014

Attorney-at-Law

PA 57744

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 08/25/2014

Attorney-at-Law

PA 57744

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

ESTATE OF RANDOLPH TYLER

v.

BETH GROSSMAN, et al.

: CIVIL ACTION

: NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

8/25/14
Date

Geoffrey V. Seay, Esquire
Attorney-at-law

Plaintiff
Attorney for

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FAX Number

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(Civ. 660) 10/02

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Email: seaylaw@aol.com

Attorney For Estate of Randolph Tyler

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ESTATE OF RANDOLPH TYLER by and through)

Kevin Floyd, Administrator)

Plaintiffs,)

v.)

Docket No. 14-CV-_____

BETH GROSSMAN, ESQUIRE)

Chief, Public Nuisance Task Force)

OFFICE OF PHILADELPHIA DISTRICT ATTORNEY)

Three South Penn Square)

Philadelphia, PA 19107-3499;)

CLARENCE DUPREE, ESQUIRE)

Assistant District Attorney, Narcotics Division)

OFFICE OF PHILADELPHIA DISTRICT ATTORNEY)

Three South Penn Square)

Philadelphia, PA 19107-3499;)

OFFICE OF PHILADELPHIA DISTRICT ATTORNEY)

Three South Penn Square)

Philadelphia, PA 19107-3499; and)

CITY AND COUNTY OF PHILADELPHIA)

c/o City of Philadelphia Law Department)

1515 Arch Street, 14th Floor)

Philadelphia, PA 19102)

Defendants.)

CIVIL ACTION COMPLAINT

This is an action brought by Plaintiff seeking damages and punitive damages against the named Defendants for claims arising under the United States Constitution and other federal laws and statutes.

PLAINTIFF IS NOT INCLUDED IN ANY CLASS ACTION LAWSUIT PRESENTLY PENDING IN THIS COURT.

THE ONLY COUNSEL AUTHORIZED TO REPRESENT PLAINTIFF IS THE UNDERSIGNED COUNSEL.

I. JURISDICTION

1. This action is brought pursuant to 42 U.S.C. §§ 1981, 1983, 1986, 1988 *et seq.*, the First, Fifth, Eighth and Fourteenth Amendments to the United States Constitution and other federal statutes; and pursuant to 28 U.S.C. §§ 1331, 1332 and 1343(3) *et seq.*

II. VENUE

2. All the claims herein arose within the jurisdiction of the United States District Court of the Eastern District of Pennsylvania and involve Defendants who are doing business within the Court's jurisdictional boundaries. Venue is accordingly invoked pursuant to 28 U.S.C. § 1391(b) and (c).

III. PARTIES

3. Plaintiff, Estate of Randolph Tyler ("Plaintiff"), is the estate of the decedent property owner, Randolph Tyler.
4. Kevin Floyd is the Administrator of the estate. Letters of Administration were issued to him by the Register for the Probate of Wills, Office of Register of Wills of Philadelphia County, Pennsylvania on April 23, 2013.

5. Defendant, BETH GROSSMAN, ESQUIRE (“Defendant GROSSMAN”) is an individual and an attorney licensed to practice law in the Commonwealth of Pennsylvania. At all times relevant hereto, Defendant GROSSMAN maintained a place of business in the City and County of Philadelphia, Pennsylvania. Further, at all times relevant, Defendant GROSSMAN acted in an official supervisory capacity.
6. Defendant, CLARENCE DUPREE, ESQUIRE (“Defendant DUPREE”) is an individual and an attorney licensed to practice law in the Commonwealth of Pennsylvania. At all times relevant hereto, Defendant DUPREE maintained a place of business in the City and County of Philadelphia, Pennsylvania. Further, at all relevant times, Defendant DUPREE acted in an official capacity.
7. Defendant, OFFICE OF PHILADELPHIA DISTRICT ATTORNEY (“Defendant DISTRICT ATTORNEY”), is local prosecutor in Philadelphia County, Pennsylvania. At all times relevant hereto, Defendant DISTRICT ATTORNEY was the employer of Defendants GROSSMAN and DUPREE, and was in the business of forfeiting the properties of deceased African-Americans for proprietary reasons.
8. Defendant, CITY AND COUNTY OF PHILADELPHIA (“Defendant CITY”), is a municipality organized by and through the Commonwealth of Pennsylvania that funds the activities of Defendant DISTRICT ATTORNEY.

IV. STATEMENT OF FACTS

9. Plaintiff incorporates by reference Paragraphs 1 through 8 herein, as if they are fully set forth herein.

A. Relevant Background Information

10. On February 22, 2010, City of Philadelphia police officer, THOMAS LICIARDELLO, made out an affidavit of probable cause in a state court criminal case that was approved by his supervisor, City of Philadelphia police Sergeant, Joseph McCloskey.
11. During the state court criminal case, Defendants CITY and DISTRICT ATTORNEY instituted a policy and practice of rejecting the evidence and testimony of City of Philadelphia police officer THOMAS LICIARDELLO in state court criminal cases.
12. At the same time, Defendants CITY and DISTRICT ATTORNEY and their high-ranking officials entered into agreements to keep the reasons for that policy and practice a secret from the public.
13. As a supervisory official in the district attorney's office, Plaintiff reasonably believes and avers that Defendant GROSSMAN knew why Defendants CITY and DISTRICT ATTORNEY instituted a policy and practice of rejecting the evidence and testimony of City of Philadelphia police officer THOMAS LICIARDELLO in state court criminal cases.
14. The reason was never disclosed to the state court during the state court drug forfeiture proceedings.
15. The secret is now out; however, upon reasonable belief and information, Plaintiff avers that for years that high-ranking Defendant CITY and DISTRICT ATTORNEY officials, including, but not limited to Mayor, Michael Nutter, District Attorney, R. Seth Williams and Police Commissioner, Charles H. Ramsey knew the reasons behind the policy and practice of rejecting the evidence and testimony of City of Philadelphia police officer THOMAS LICIARDELLO in state court criminal cases, but *did not* implement any practices and protocols to ensure that evidence and testimony gathered by City of Philadelphia police officer

THOMAS LICIARDELLO would be barred from all state court cases, including drug forfeiture cases.

B. The State Court Forfeiture Proceedings

16. On March 30, 2009, Mr. Randolph Tyler died in Philadelphia County, PA.
17. At the time of his death, Mr. Tyler owned the property located at 656 North 54th Street, Philadelphia, PA 19131.
18. Mr. Tyler did not leave a will or any other written instructions with respect to the disposition of his property located at 656 North 54th Street.
19. On or about August 2, 2010, **491 days after** Mr. Tyler's death, Defendants CITY, DISTRICT ATTORNEY and GROSSMAN commenced a drug forfeiture action against Mr. Tyler's property located at 656 North 54th Street; the case was docketed in the Court of Common Pleas of Philadelphia County as In re 656 N 54th Street, CP-51-MD-0010734-2010 (Pa.Com.Pl., Aug 2, 2010).
20. As explained hereinafter, City of Philadelphia police officer THOMAS LICIARDELLO's February 22, 2010 affidavit of probable cause approved by his supervisor, City of Philadelphia police Sergeant, Joseph McCloskey, was the sole information relied upon by Defendants CITY, DISTRICT ATTORNEY, GROSSMAN and DUPREE in the drug forfeiture case.
21. There were no allegations that Mr. Tyler was in any way involved in the alleged criminal activity that gave rise to the forfeiture action; after all, he had been dead for **330 days** when the alleged criminal activity took place.
22. The affidavit of probable cause in support of the forfeiture complaint was made by City of Philadelphia police officer, THOMAS LICIARDELLO, who is currently being held with-

out bail in the Philadelphia Federal Detention Center on numerous criminal charges that carry life in prison.

23. Since Mr. Tyler was dead, Defendants DISTRICT ATTORNEY and GROSSMAN did not serve him with a copy of their forfeiture complaint.
24. Further, since Mr. Tyler was dead when the alleged criminal activity took place, he was the quintessential innocent owner of the property under Pennsylvania drug forfeiture laws.
25. At the time Defendants DISTRICT ATTORNEY and GROSSMAN commenced their drug forfeiture action, an estate had not been raised on Mr. Tyler's behalf, and there was no legal representative to act on his behalf.
26. Defendants DISTRICT ATTORNEY and GROSSMAN assigned the 656 North 54th Street drug forfeiture case to Defendant DUPREE.
27. Defendant GROSSMAN personally supervised and reviewed all of Defendant DUPREE's actions in the drug forfeiture action; Defendant DUPREE did not take any actions without Defendant GROSSMAN's prior knowledge, approval and participation.
28. From June 2011 through April 2012, under Defendant GROSSMAN's direct supervision, knowledge and acquiescence, Defendant DUPREE made numerous appearances in the Court of Common Pleas of Philadelphia County for the sole purpose of unlawfully forfeiting the innocent and long deceased Mr. Tyler's property.
29. At times, Defendant GROSSMAN met with Defendant DUPREE and they agreed upon a strategy and course of unlawful activities to forfeit Mr. Tyler's property.
30. At other times, Defendant GROSSMAN simply turned a blind eye to Defendant DUPREE's unlawful activities simply because her goal was to forfeit as many properties as possible; to sell those properties; and to raise as much money as possible for Defendants

CITY and DISTRICT ATTORNEY in order to maintain and/or raise her professional and financial stature.

31. Shortly after Defendant DUPREE entered his appearance on behalf of Defendants CITY, DISTRICT ATTORNEY and GROSSMAN, he filed a *lis pendens* against 656 North 54th Street, indexing it under “Randolph Tyler, 656 North 54th Street, Philadelphia, PA”.
32. Naturally, Defendant DUPREE did not serve the *lis pendens* on Mr. Tyler because he had been dead for more than a year prior to the filing of the *lis pendens*.
33. During that time, Defendants CITY, DISTRICT ATTORNEY, GROSSMAN and DUPREE caused a notice of the drug forfeiture action to be mailed to 656 North 54th Street, Philadelphia, PA 19131; no personal service was ever made.
34. Shortly thereafter, Defendant DUPREE was personally and promptly informed that Mr. Tyler was dead, and he did not have an estate.
35. Under Pennsylvania law, Defendants CITY, DISTRICT ATTORNEY, GROSSMAN and DUPREE could have raised an estate themselves, thereby having a legal entity to seek forfeiture from, instead of seeking it from a dead property owner.
36. Apparently, somebody in Defendant DISTRICT ATTORNEY’s office fraudulently misinformed the state forfeiture court that an estate had been raised.
37. On September 9, 2010, a notation was made on the Court of Common Pleas docket sheet that “Rep failed to appear”.
38. On October 26, 2010, a notation of “Estate” was made on the Court of Common Pleas docket sheet.
39. On March 1, 2011, a notation of “Advertisement” was made on the Court of Common Pleas docket sheet by “KP”.

40. On March 1, 2011, a notation of “Interest” was made on the Court of Common Pleas docket sheet.
41. On June 9, 2011, Kerry Permsap, a Court of Common Pleas Commissioner continued the drug forfeiture case because of “Status of Estate.”
42. On December 5, 2011, Kerry Permsap, a Court of Common Pleas Commissioner continued the drug forfeiture case because of “Status of Estate.”
43. On January 23, 2012, Kerry Permsap, a Court of Common Pleas Commissioner continued the drug forfeiture case because of “Status of Estate.”
44. Even though the underlying criminal case was withdrawn, Defendants CITY, DISTRICT ATTORNEY, GROSSMAN and DUPREE did not withdraw the drug forfeiture case against the innocent and deceased Mr. Tyler; instead, for financial reasons, they callously, indifferently, maliciously and recklessly pursued the drug forfeiture case until they sold his property and put the money in their pockets.
45. On April 9, 2012, Defendants CITY, DISTRICT ATTORNEY, GROSSMAN and DUPREE were successful in their efforts to forfeit Mr. Tyler’s property, and default judgment was granted by a Court of Common Pleas judge allowing the forfeiture to be “index[ed]... under RANDOLPH TYLER”, even though they knew with absolute certainty that Mr. Tyler was innocent and dead.
46. On that date, Mr. Tyler had been dead for more than three years, and Defendants CITY, DISTRICT ATTORNEY, GROSSMAN and DUPREE absolutely knew it; yet, they callously and recklessly pursued the forfeiture of Mr. Tyler’s property.
47. Defendants CITY, DISTRICT ATTORNEY, GROSSMAN and DUPREE did not promptly advertise the default judgment, or otherwise notify any prospective heirs of Mr. Tyler that

656 North 54th Street had been forfeited, even though they knew with absolute certainty that Mr. Tyler was dead.

48. Under the circumstances, the forfeiture of Mr. Tyler's property constituted an unlawful taking of his property, punishment, and an excessive and disproportionate fine in violation of the United States Constitution.
49. On October 2, 2012, *more than 177 days* after the entry of the default judgment forfeiture, Defendant GROSSMAN personally sent a letter addressed to "Occupant" of 656 North 54th Street advising "the this property has been forfeited by the District Attorney's Office", even though she knew with absolute certainty that Mr. Tyler was dead and an estate still had not been raised.
50. On December 10, 2012, Defendants CITY, DISTRICT ATTORNEY, GROSSMAN and DUPREE hastily sold Mr. Tyler's real property to Jeff R. Cater for a mere \$5,500.00, even though they knew with absolute certainty that Mr. Tyler was dead; pennies on the actual dollar value for the property and to the detriment of Mr. Tyler and his yet to be raised estate.
51. Defendants CITY, DISTRICT ATTORNEY, GROSSMAN and DUPREE did not promptly advertise the default judgment, or otherwise notify any prospective heirs of Mr. Tyler that 656 North 54th Street had been sold to Jeff R. Cater for a mere \$5,500.00, even though they knew with absolute certainty that Mr. Tyler was dead.
52. According to the records from the underlying criminal case that had absolutely nothing to do with Mr. Tyler, Mr. Tyler's property was forfeited and sold before there was a disposition in that case.

53. The \$5,500.00 that Defendants CITY and DISTRICT ATTORNEY received for Mr. Tyler's property is part a multi-million dollar proprietary forfeiture enterprise by Defendants CITY and DISTRICT ATTORNEY that has netted them nearly \$100,000,000.00 in the past 15 years.
54. Upon reasonable belief and information, Plaintiff avers that Defendants CITY and DISTRICT ATTORNEY split the \$5,500.00 amongst the police department and the district attorney's office where the money was appropriated to their budgets and made its way to Defendants GROSSMAN and DUPREE in the form of salaries and other benefits.
55. Upon reasonable investigation, information and belief, Plaintiff avers that Defendants GROSSMAN and DUPREE benefit directly from the multi-million dollar proprietary forfeiture enterprise because the money goes toward their salaries, training, pensions and other fringe benefits.
56. At all times relevant hereto, Defendants DISTRICT OF ATTORNEY, GROSSMAN and DUPREE recklessly disregarded numerous and obvious conflicts of interest, and systematically and continuously enriched themselves by unlawfully forfeiting Mr. Tyler's property.
57. Upon reasonable investigation, information and belief, Plaintiff avers that Defendants CITY, DISTRICT ATTORNEY, GROSSMAN and DUPREE have a long-standing custom of forfeiting the real property of deceased property owners.

V. CLAIMS FOR RELIEF
FIRST CLAIM FOR RELIEF – FAILURE TO SUPERVISE
DEFENDANTS CITY AND DISTRICT ATTORNEY

58. Plaintiff incorporates by reference Paragraphs 1 through 57 herein, as if they are fully set forth herein.

59. Defendants CITY and DISTRICT ATTORNEY, acting under the color of state law and in concert with others, have systemically, unlawfully, knowingly, intentionally, willfully, maliciously, wantonly, recklessly, outrageously and callously indifferently:
- a. Failed to implement any practices and protocols to ensure that evidence and testimony gathered by City of Philadelphia police officer THOMAS LICIARDELLO would be barred from all state court cases, including drug forfeiture cases;
 - b. Failed to supervise, train and monitor employees, agents, servants and contractors of Defendants CITY and DISTRICT ATTORNEY, with regards to the administration of duties assumed and assigned from Defendants CITY and DISTRICT ATTORNEY, including, but not limited to due process of law, drug forfeiture laws, and the taking of private property;
 - c. Failed to identify, investigate, and take remedial and/or disciplinary actions and/or measures against those employees, agents, servants and contractors of Defendants CITY, DISTRICT ATTORNEY, such as Defendant GROSSMAN who fail to provide due process to innocent and deceased property owners; and
 - d. Failed to ensure that employees, agents, servants and contractors of Defendants CITY and DISTRICT ATTORNEY, such as Defendant GROSSMAN, follow lawful policies, procedures, directives, clauses, provisions and instructions regarding the unlawful forfeiture of innocent deceased property owners.
60. As a direct and proximate cause of the systemic, unlawful, knowing, intentional, willful, malicious, wanton, reckless, outrageous and callously indifferent conduct by employees, agents, servants and contractors of Defendants CITY and DISTRICT ATTORNEY, Plaintiff has suffered and will continue to suffer permanently into the future to his great detriment and loss.

**SECOND CLAIM FOR RELIEF – FAILURE TO SUPERVISE
DEFENDANTS CITY, DISTRICT ATTORNEY AND GROSSMAN**

61. Plaintiff incorporates by reference Paragraphs 1 through 60 herein, as if they are fully set forth herein.

62. servants and contractors of Defendants, acting under the color of state law and in concert with others, have systemically, unlawfully, knowingly, intentionally, willfully, maliciously, wantonly, recklessly, outrageously and callously indifferently:
- a. Failed to implement any practices and protocols to ensure that evidence and testimony gathered by City of Philadelphia police officer THOMAS LICIARDELLO would be barred from all state court cases, including drug forfeiture cases;
 - b. Failed to supervise, train and monitor employees, agents, servants and contractors of Defendants CITY, DISTRICT ATTORNEY and GROSSMAN, with regards to administration of duties assumed and assigned from Defendants CITY and DISTRICT ATTORNEY, including, but not limited to due process of law, drug forfeiture laws, and the taking of private property;
 - c. Failed to identify, investigate, and take remedial and/or disciplinary actions and/or measures against those employees, agents, servants and contractors of Defendants CITY, DISTRICT ATTORNEY and GROSSMAN who fail to provide due process to innocent and deceased property owners; and
 - d. Failed to ensure that employees, agents, servants and contractors of Defendants CITY, DISTRICT ATTORNEY and GROSSMAN, such as Defendant DUPREE, follow lawful policies, procedures, directives, clauses, provisions and instructions regarding the unlawful forfeiture of innocent deceased property owners.
63. As a direct and proximate cause of the systemic, unlawful, knowing, intentional, willful, malicious, wanton, reckless, outrageous and callously indifferent conduct by employees, agents, servants and contractors of Defendant GROSSMAN, Plaintiff has suffered and will continue to suffer permanently into the future to his great detriment and loss.

THIRD CLAIM FOR RELIEF – DENIAL OF DUE PROCESS

64. Plaintiff incorporates by reference Paragraphs 1 through 63 herein, as if they are fully set forth herein.
65. Defendants CITY, DISTRICT ATTORNEY, GROSSMAN and DUPREE, acting under the color of state law and in concert with others, have systemically, unlawfully, knowingly, intentionally, willfully, maliciously, wantonly, recklessly, outrageously and callously indifferently:

- a. From on or about June 9, 2011 through December 10, 2012 engaged in a pattern and unbroken chain of conduct to deny Plaintiff due process by failing to give him meaningful, prompt and adequate notice, as required under the United States Constitution, before unlawfully forfeiting and selling his property.
 - b. Denied Plaintiff due process by failing to implement any practices and protocols to ensure that evidence and testimony gathered by City of Philadelphia police officer THOMAS LICIARDELLO would be barred from all state court cases, including drug forfeiture cases;
 - c. Denied Plaintiff due process of law by failing to give him meaningful, prompt and adequate notice, as required under the United States Constitution, before unlawfully forfeiting his property;
 - d. Denied Plaintiff due process of law by failing to give him meaningful, prompt and adequate notice, as required under the United States Constitution, after unlawfully forfeiting his property; and
 - e. Denied Plaintiff due process because at all times relevant hereto he was an innocent and deceased property owner.
66. As a direct and proximate cause of the systemic, unlawful, knowing, intentional, willful, malicious, wanton, reckless, outrageous and callously indifferent conduct by Defendants, Plaintiff has suffered and will continue to suffer permanently into the future to his great detriment and loss.

FOURTH CLAIM FOR RELIEF UNLAWFUL TAKING OF PROPERTY

67. Plaintiff incorporates by reference Paragraphs 1 through 66 herein, as if they are fully set forth herein.
68. Defendants CITY, DISTRICT ATTORNEY, GROSSMAN and DUPREE, acting under the color of state law and in concert with others, have systemically, unlawfully, knowingly, intentionally, willfully, maliciously, wantonly, recklessly, outrageously and callously indifferently:
- a. Taking Plaintiff's property in violation of the United States Constitution; and

b. Denied Plaintiff due process and equal protection because at all times relevant hereto he was an innocent and deceased property owner.

69. As a direct and proximate cause of the systemic, unlawful, knowing, intentional, willful, malicious, wanton, reckless, outrageous and callously indifferent conduct by Defendants, Plaintiff has suffered and will continue to suffer permanently into the future to his great detriment and loss.

**FIFTH CLAIM FOR RELIEF
EXCESSIVE AND DISPROPORTIONATE PUNISHMENT AND FINES**

70. Plaintiff incorporates by reference Paragraphs 1 through 69 herein, as if they are fully set forth herein.

71. Defendants CITY, DISTRICT ATTORNEY, GROSSMAN and DUPREE, acting under the color of state law and in concert with others, have systemically, unlawfully, knowingly, intentionally, willfully, maliciously, wantonly, recklessly, outrageously and callously indifferently:

a. Forfeiting, taking and selling Plaintiff's property in violation of the Fifth, Eighth and Fourteenth Amendments to the United States Constitution because such actions taken against an innocent and deceased property owner were punitive, excessive and disproportionate.

72. As a direct and proximate cause of the systemic, unlawful, knowing, intentional, willful, malicious, wanton, reckless, outrageous and callously indifferent conduct by Defendants, Plaintiff has suffered and will continue to suffer permanently into the future to his great detriment and loss.

**VI. DEMAND FOR JUDGMENT, DAMAGES
AND PUNITIVE DAMAGES**

73. Plaintiff hereby incorporates by reference, Paragraphs 1 through 72, as though they are fully set forth herein.

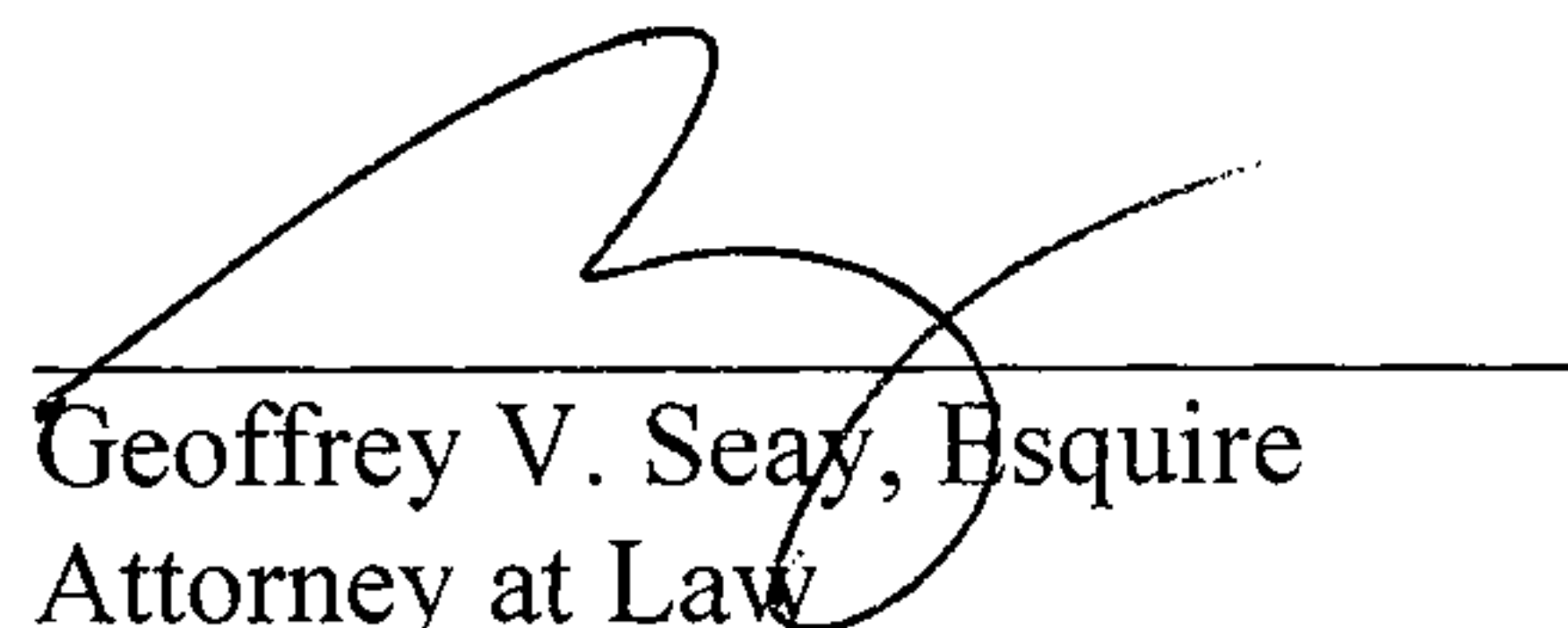
74. On all Claims for Relief, pursuant to 42 U.S.C. §§ 1981, 1983, 1986, 1988 *et seq.*, the First, Fifth, Eighth and Fourteenth Amendments to the United States Constitution and other federal statutes; and pursuant to 28 U.S.C. §§ 1331, 1332 and 1343(3) *et seq.*, Plaintiff demands judgment in his favor and damages in an amount not less than \$150,000.00 on all claims for relief, and reasonable attorney's fees, costs, expenses and interest.
75. On all Claims for Relief, Plaintiff demands punitive damages on all claims for relief, reasonable attorney's fees, costs, expenses and interest, because Defendants' actions fell below the normal standards of decent conduct and was callous, reckless and outrageous.
76. Plaintiff demands other just relief as the Court may award.

VII. DEMAND FOR A JURY TRIAL

77. Plaintiff hereby incorporates by reference, Paragraphs 1 through 76, as though they are fully set forth herein.
78. On all facts and Facts and Claims for relief asserted, Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff demands judgment, damages and punitive damages on all Facts and Causes of Action herein asserted, and upon judgment, award reasonable attorney's fees, costs, expenses and interest.

Respectfully submitted,



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